



Homeland
Security

June 20, 2013

(b)(6)

Worcester, MA 01603

Re: Complaint No. 10-07-ICE-0103

(b)(6)

Dear Ms. (b)(6)

On April 29, 2010, CRCL received your complaint in regard to the administrative arrest at your house of your live-in boyfriend, (b)(6) by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) agents. We apologize for our delayed response.

You alleged that at 6:45am on February 2, 2010, local Worcester, Massachusetts police knocked on the front door of your home and announced themselves. When you opened the door, the Worcester police did not enter your home, but ICE HSI agents who were also present forced their way into your home to serve a warrant of removal on your live-in boyfriend, Mr. (b)(6). You alleged that you asked the HSI agents for identification, but you were ignored. You also alleged that the HSI agents went upstairs to your bedroom, where they found Mr. (b)(6) interrogated him, and searched the bedroom, and that the HSI agents did not let you and your 17-year old son get up from your couch during this time.

Additionally, you alleged that one HSI agent searched your basement without your permission. Finally, in an affidavit that Mr. (b)(6) submitted with your complaint, he stated that as he was being taken in handcuffs from the house to the ICE transport vehicle, he felt compelled to consent to the warrantless search of his car and that upon arrival at the ICE office he was questioned for an hour and a half before he was *Mirandized*.

This Office has completed our investigation into the allegations in your complaint. CRCL was provided an affidavit from one of the HSI special agents (SA) involved. The SA stated that you gave consent for the HSI SAs to enter your home, that Mr. (b)(6) gave permission for the SAs to search the bedroom, and that when you stated that you did not want your house searched anymore, they complied with your request. Further, the SA stated that Mr. (b)(6) gave permission for the SAs to search his car, and that he was *Mirandized* before being questioned when he arrived at the Boston ICE office. Based on the sworn affidavit provided by the ICE SA involved in this matter, we are unable to substantiate the allegations in your complaint, and we are closing it at this time.

However, since we received your complaint, ICE Enforcement and Removal Operations (ERO) has taken over responsibility for serving warrants of removal. CRCL is working with ERO on formalizing policies governing how ERO may serve warrants of removal, including issues relating to consent.

We appreciate you bringing this matter to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov.

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT WITHOUT RECOMMENDATIONS
CLOSURE MEMORANDUM

To: Jeffrey S. Blumberg
From: (b)(6)
Date: June 24, 2013
Complaint Number: 10-07-ICE-0103
Complainant Name (Alien Number): (b)(6)

Reason(s) for Closure without Recommendations (check all that apply):

(b)(5)

Complaint Synopsis and Explanation of Closing Rationale:

On April 29, 2010, CRCL received a complaint from U.S. Citizen (b)(6) in regard to the administrative arrest at her house of her live-in boyfriend, (b)(6) by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) agents via a civil administrative ICE I-205 warrant of removal. A warrant of removal differs from a criminal warrant signed by an Article I or Article III judge in that whomever serves the warrant of removal is not authorized to enter one's home absent consent...

In her complaint, Ms. (b)(6) alleged that at 6:45am on February 2, 2010, local Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who were also present forced their way into her home to serve a warrant of removal on her live-in boyfriend, Mr. (b)(6). Ms. (b)(6) alleged that she asked the HSI agents for identification, but she was ignored. She alleged that the HSI agents went upstairs to her bedroom, where they found Mr. (b)(6) interrogated him, and searched the bedroom, and that the HSI agents did not let her and her 17-year old son get up from her couch during this time...

Ms. (b)(6) also alleged that one HSI agent searched her basement without her permission. Finally, in an affidavit that Mr. (b)(6) submitted with the complaint, he stated that as he was being taken in handcuffs from the house to the ICE transport vehicle, he felt compelled to consent to the warrantless search of his car and that upon arrival at the ICE office he was questioned for an hour and a half before he was *Mirandized*....

Protected by the Deliberative Process Privilege

CRCL investigated this complaint, and on December 8, 2010,

(b)(5),(b)(6),(b)(7)(C)

Protected by the Deliberative Process Privilege.

From: (b)(6) [mailto:(b)(6)]
Sent: Sunday, July 18, 2010 8:13 AM
To: CRCL
Subject: Complaint # 10-07-ICE-0103

To whom this concern:

I, (b)(6) sent a letter of complaint to you office on April 17th 2010 regarding an incident in my home in February. I received a letter on or around June 11th of 2010 confirming that your office received my complaint but have not heard anything else since. I am very interested in finding out if anyone has been assigned to investigate this matter and any recent information. The complaint # is 10-07-ICE-0103 regarding (b)(6). Please feel free to e-mail me at (b)(6); also my home phone number is (508) (b)(6) my home address is (b)(6) in Worcester, Ma. 01603. Thank you in advance for your time, (b)(6)



Homeland Security

June 7, 2010

(b)(6)

Worcester, MA 01603

Re: Complaint No. 10-07-ICE-0103

(b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on April 29, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at crcl@dhs.gov or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For

additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance
Office for Civil Rights and Civil Liberties

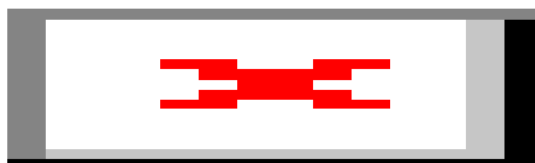
Cop[y/ies] to:

(b)(6)

Plymouth, PA 02360

Enclosure

From: (b)(6)@dhs.gov]
Sent: Wednesday, June 02, 2010 7:57 AM
To: (b)(6)
Subject: RE: Complaint No. 10-07-ICE-0103



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [mailto:(b)(6)@associates.dhs.gov]
Sent: Wednesday, May 26, 2010 4:25 PM
To: (b)(6)
Cc:
Subject: Complaint No. 10-07-ICE-0103

Please Review.

When local police knocked on Ms. (b)(6) door at 6:45am, she opened her door. ICE officers pushed their way in and began searching her drawers, closets, filing cabinets and

rooms. She and her son were made to sit while the search was conducted. No explanation for the search was provided, despite her son's protest. Ms. (b)(6) asked for a warrant and ID, but none were provided. ICE arrested her fiancé, Mr. (b)(6) and told her that if she provided information on other people they would help her get her fiancé out of trouble. She feels discriminated against because they are Hispanic and the ICE officers were white.

ICE asked Mr. (b)(6) if there were firearms or drugs in the house. He told them "no." He was not read his Miranda rights. ICE asked if they could search his vehicle, and he said "yes." ICE told him that they were informed he was a drug dealer. He denied the accusation. When they arrived at the immigration building, the officers took their weapons and interrogated him for three hours. A translator was provided, but Mr. (b)(6) was nervous and states that he did not fully understand the papers that he signed. Mr. (b)(6) is currently at the Plymouth County Correctional Facility

Thank You,

(b)(6)

Review and Compliance Division

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202) 357-(b)(6) (V)
(202) 401-4708(F)

DHS/TSA Civil Rights

DHS Complaint History Listing

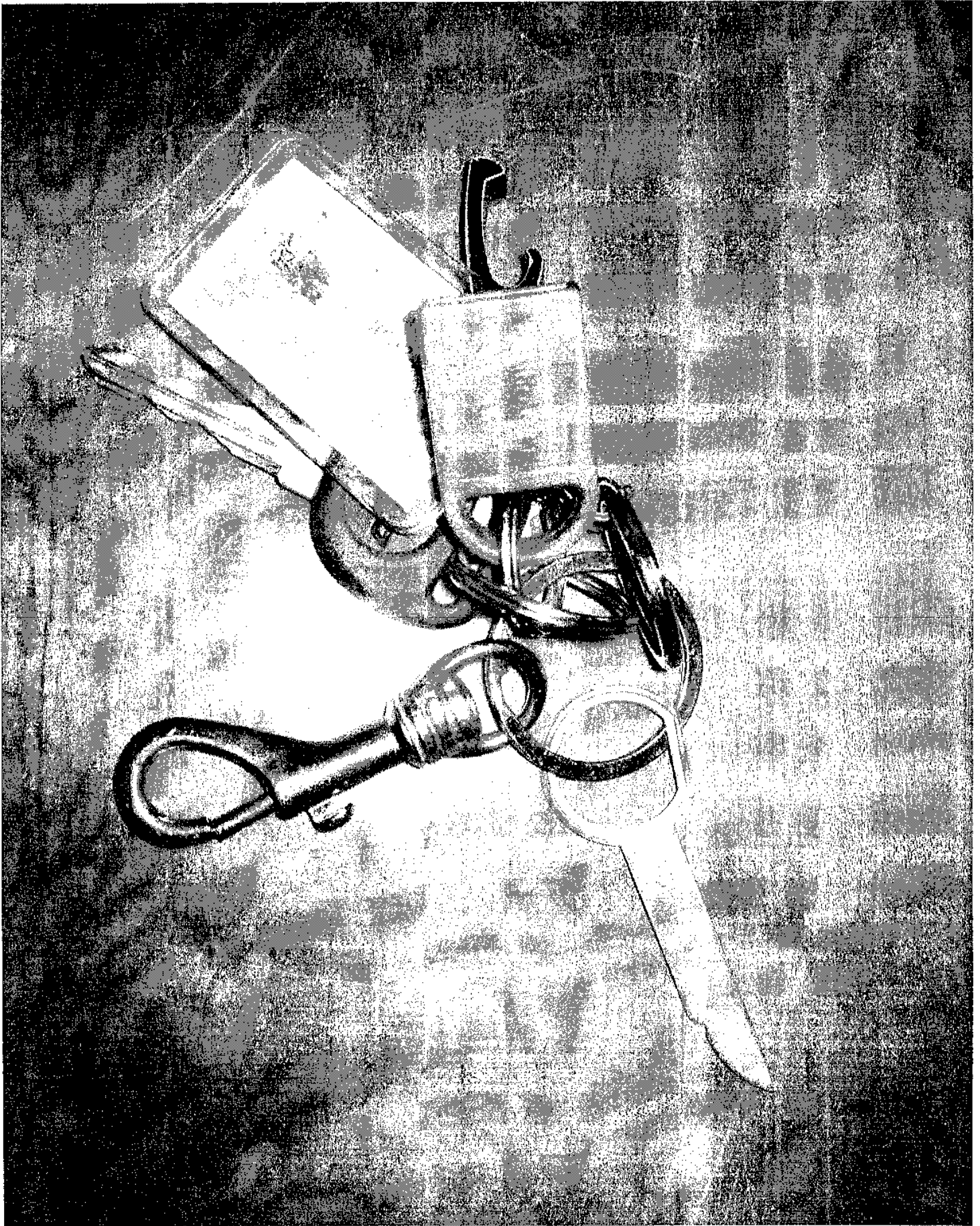
DHS Matters: 10-07-ICE-0103 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2014-02-20 16:34	Update	Days to Process	1154	6653	(b)(6)	User Change
DhsComplaint	2010-05-26 17:48	Created	Task		6653		migrated
DhsComplaint	2010-05-26 17:48	Created			6653		migrated
DhsComplaint	2010-05-26 17:48	Edited			6653		migrated
DhsComplaint	2010-05-26 17:48	Edited	Task:Assignment: Assigned matter From (b)(6) To:DHS Due:2010-10-26 17:00:41.547		6653		migrated
DhsComplaint	2010-05-26 17:51	Edited			6653		migrated
DhsComplaint	2010-05-26 17:51	Note Added	Sent to IG:		6653		migrated
DhsComplaint	2010-06-04 16:14	Document Added	Document: RE Complaint No. 10-07-ICE-0103 From IG		6653		migrated
DhsComplaint	2010-06-07 13:00	Document Added	Document: Incoming Complaint- (b)(6)		6653		migrated
DhsComplaint	2010-06-07 13:00	Document Added	Document: Acknowledgement Letter: (b)(6)		6653		migrated
DhsComplaint	2010-06-07 13:01	Edited			6653		migrated
DhsComplaint	2010-06-07 13:01	Note Added	From IG:		6653		migrated
DhsComplaint	2010-06-07 13:01	Edited			6653		migrated
DhsComplaint	2010-06-07 13:01	Note Added	To awaiting Recommendation:		6653		migrated
DhsComplaint	2010-07-01 15:02	Note Added	Recommendation (b)(5),(b)(6)		6653		migrated
DhsComplaint	2010-07-01	Edited			6653		migrated

	15:02					
DhsComplaint	2010-07-15 17:22	Edited	Task:Assignment: Assigned matter From: (b)(6) (b)(6) To: (b)(6) Due:2010-10-26 17:00:41.0		6653	migrated
DhsComplaint	2010-07-15 17:22	Note Added	Approved (to Back From Officer):Approved.		6653	migrated
DhsComplaint	2010-07-15 17:22	Edited			6653	migrated
DhsComplaint	2010-09-03 10:01	Document Added	Document: 7 18 2010 (b)(6) email		6653	migrated
DhsComplaint	2010-09-29 13:54	Create	From Matters	migration	6653	migration
DhsComplaint	2012-07-17 12:22	Update	Days to Process	810	6653	User Change
DhsComplaint	2012-07-17 12:22	Update	Complaint Group Listing	(b)(5)	6653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Action	Closed - Short Form/No Further Action	110653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Reporting Summary	The complainant alleged that at 6:45am on February 2, 2010, Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who wer.	110653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Action Date	06/26/2013	110653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Document	10-07-ICE-0103 close memo FINAL.pdf	110653	User Change
DhsComplaintAction	2013-06-26 09:56	Create	Internal Summary	The complainant alleged that at 6:45am on February 2, 2010, Worcester, Massachusetts police knocked on the front door of her home and announced themselves. When she opened the door, the Worcester police did not enter her home, but ICE HSI agents who wer	110653	User Change

DhsComplaintAction	2011-02-03 14:00	Create	Action Date	02/03/2011	103340	(b)(6)	User Change
DhsComplaintAction	2011-02-03 14:00	Create	Action	Short Form	103340	(b)(6)	User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Foreign Language	No	91565	(b)(6)	User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Document 1	07.01.2013 RTS (b)(6) pdf	91565	(b)(6)	User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Dateentered	07/30/2013	91565	(b)(6)	User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Comments	Letter to (b)(6) (b)(6) returned on 07.01.2013.	91565	(b)(6)	User Change
DhsComplaintDocument	2013-07-30 11:01	Create	Document Type	Incoming Letter	91565	(b)(6)	User Change
DhsComplaintDocument	2013-06-26 09:51	Create	Document 1	10-07-ICE-0103 close letter FINAL.pdf	91110	(b)(6)	User Change
DhsComplaintDocument	2013-06-26 09:51	Create	Document 2	10-07-ICE-0103 close memo FINAL.pdf	91110	(b)(6)	User Change
DhsComplaintDocument	2013-06-26 09:51	Create	Foreign Language	No	91110	(b)(6)	User Change
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DhsComplaintIssue	2012-07-17 12:23	Update	Incident Location	Residence	12218	(b)(6)	User Change
DhsComplaintIssue	2012-07-17 12:23	Update	Incident Location Type	Residence	12218	(b)(6)	User Change
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DhsComplaintIssue	2011-08-12 13:36	Update	(b)(5)	(b)(5)	12218	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:36	Update	Religion		12218	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:36	Update	Situation	DHS law enforcement activity.	12218	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:36	Update	Sex		12218	(b)(6)	User Change

DhsComplaintIssue	2011-03-17 09:48	Update	Incident Location Type		12218	(b)(6)	User Change
DhsComplaintIssue	2011-03-17 09:48	Update	Other Issue		12218		User Change
DhsComplaintIssue	2011-03-17 09:48	Update	Comments	07/01/2010: Recommendation (b)(5),(b)(6) 07/14/2010: Approved (to Back From Officer):Approved. RECOMMENDATION: (b)(5),(b)(6) LETTER ON BEHALF OF: (b)(6) REC.	12218		User Change
DhsComplaintIssue	2011-03-17 09:48	Update	Disability		12218		User Change
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DhsComplaintIssue	2011-03-17 09:48	Update	National Origin	Hispanic	12218		User Change
DhsComplaintIssue	2011-03-17 09:48	Update	(b)(5)	(b)(5)	12218		User Change



DHS-000014

June 16, 2010



**Homeland
Security**

(b)(6)

Families for Freedom

3 West 29th Street (b)(6)

New York, NY 10001

Re: Complaint No. 10-08-ICE-0116

(b)(6)

Dear Mr. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on May 11, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at crcl@dhs.gov or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

www.dhs.gov

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance
Office for Civil Rights and Civil Liberties



Homeland
Security

August 8, 2011.

Sent via email.

(b)(6)

Families for Freedom

(b)(6) @familiesforfreedom.org

Re: CRCL Complaint No. 10-08-DHS-0116

Dear Mr. (b)(6)

On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with Immigration and Customs Enforcement (ICE) and agents with Customs and Border Protection (CBP) in Homestead, Florida, on May 1, 2010. Your complaint alleged that one or more ICE officers and CBP agents: 1) used inappropriate language to describe Mr. (b)(6) 2) physically and verbally abused Mr. (b)(6) minor son and threatened him with sexual abuse in jail; 3) demanded proof of citizenship from two women with Rural Neighborhoods; and 4) compelled one pregnant woman with Rural Neighborhoods to walk one quarter of a mile to retrieve her proof of citizenship.

CRCL referred your allegations to the Department's Joint Intake Center. The CBP Office of Internal Affairs (IA) responded on behalf of both agencies on May 25, 2011 and conducted an extensive investigation. The results of CBP IA's investigation appear below:

- 1) *Used inappropriate language to describe Mr. (b)(6)* CBP IA interviewed eight total officers and agents regarding this allegation. All denied using derogatory language during the operation to describe Mr. (b)(6)
- 2) *Physically and verbally abused Mr. (b)(6) minor son and threatened him with sexual abuse in jail:* CBP IA reported that, according to their investigation, Mr. (b)(6) son, who physically appeared to be older than 16, refused to follow commands to remove his hands from his pockets and intentionally bumped a CBP agent with his body. Mr. (b)(6) son was temporarily handcuffed until he calmed down. ICE officers and CBP agents deny threatening Mr. (b)(6) son with sexual assault in jail. Thus, there was no officer corroboration of your complaints and CBP IA did not substantiate these allegations.
- 3) *Demanded proof of citizenship from two women with Rural Neighborhoods:* CBP agents and ICE officers reported that the two women verbally interfered and one physically interfered with their apprehension of Mr. (b)(6) CBP agents and ICE officers deny asking the women for proof of citizenship or place of birth during the operation.

- 4) *Compelled one pregnant woman with Rural Neighborhoods to walk one quarter of a mile to retrieve her proof of citizenship:* CBP agents and ICE officers deny asking either woman for proof of citizenship or compelling a pregnant woman to walk one quarter of a mile to retrieve such information.

Thus, CBP IA was unable to corroborate your allegation with any specific officer testimony. In addition, no civilian witnesses were able to identify the CBP officer that allegedly made the inappropriate comments to Ms. (b)(6). Based on these facts, we are unable to substantiate your allegations regarding this incident. As of this time, we are closing your complaint in this office. However, we will keep your complaint in our database for tracking purposes if we see continued complaints of this type in the future. We thank you again for your complaint; inquiries like his help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



EVERGLADES COMMUNITY ASSOCIATION



May 10, 2010

Wilfredo Ferrer, United States Attorney
99 NE 4th St.
Miami, FL 33132
VIA FACSIMILE: (305) (b)(6)

Dear Mr. Ferrer:

Our organizations are writing to request a full and fair investigation by your office into the actions of law enforcement agents from Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) during a raid conducted in Homestead/Florida City on Wednesday, April 27, 2010.

According to ICE comments in the Miami Herald on Saturday, May 1st, 2010, ICE conducted several raids on the morning in question focusing on "dangerous foreign-born criminals." While we applaud law enforcement actions that keep our communities safe, our interviews with witnesses and subjects of the Wednesday raids conducted by ICE/CBP have produced some very serious and disturbing allegations of misconduct. Many of the allegations point to a specific unidentified officer believed to be a Customs and Border Protection Agent. The alleged misconduct targeted at least three US citizens (USC), one three months pregnant and another a minor, and included a vulgar reference to prison sexual assault laced with racial overtones. After interviewing several witnesses, the following is our understanding of the facts:

- The raid of concern was conducted in Homestead on Wednesday, April 27, 2010 at (b)(6) (b)(6) at approximately 12 pm. The raid was apparently conducted to apprehend (b)(6) (b)(6) was at his residence on (b)(6) a private gated neighborhood owned by Rural Neighborhoods, a non-profit organization. Mr. (b)(6) resides there with his LPR (Legal Resident) wife and his 16-year-old USC son.
- On the day in question several ICE officers descended on the (b)(6) residence asking to be let into the house in order to apprehend Mr. (b)(6) At the time his wife (b)(6) son (b)(6) were outside the house and refused to let the agents gain entry. After learning about the raid, two employees of Rural Neighborhoods (the managers of the complex), (b)(6) both naturalized USC's, drove to the house from the management office. Mrs. (b)(6)
- As the employees arrived on the scene they identified themselves and their job titles. They were asked by the ICE officers about which police jurisdiction the residence was in and ICE confirmed that they were not being given permission to enter the (b)(6) home. The employees then suggested that it was in the best interest of 16 year-old (b)(6) to accompany him away from the scene and to the management office, to which the ICE agents agreed.

- At that point a government car pulled up (Black Ford sedan, tag numbers (b)(6),(b)(7)(C)) carrying ICE officer (b)(6),(b)(7)(C) from Fugitive Operations and the previously mentioned unidentified agent wearing what seemed to be a green "Border Patrol" uniform. The man is described as White or Hispanic (he spoke Spanish) and had a mustache.
- The unidentified officer proceeded to shout at Mrs. (b)(6) saying, "you know the piece of shit in your house is a criminal." At that point, (b)(6) told the officer not to yell at his mother, to which the officer responded by seemingly intentionally bumping into (b)(6) and then screaming "You touched me!" several times. **The officer then grabbed the 16 year old by the neck and slammed him on Mrs. (b)(6) car and began yelling "stop resisting."** The witnesses we spoke to insist that (b)(6) was not resisting. The officer then put the boy in handcuffs.
- Mrs. (b)(6) asked the officer to relax, to which the officer then shouted and asked both Mrs. (b)(6) and Mrs. (b)(6) for their country of origin, immigration status, and relationship to (b)(6). After discovering that Mrs. (b)(6) was a naturalized citizen, the officer demanded to see citizenship papers. Mrs. (b)(6) replied that they were in the rental office with her Driver's license and that she would have to drive to the rental office to get them. At that point the officer stated that if she drove to the office she would be arrested. Mrs. (b)(6) then walked the quarter mile distance to her office to obtain her proof of US citizenship.
- In the presence of Mrs. (b)(6) and Mrs. (b)(6) the agents asked (b)(6) if he had any sharp objects, he said no, "only keys." Officers pulled the keys out in front of the complex employees. Later the unidentified agent insisted to a supervisor of the complex that (b)(6) had a knife.
- After (b)(6) was handcuffed, Mr. (b)(6) then opened the door to the house, prompting his arrest. During the arrest, the unidentified officer kept telling (b)(6) your son wasn't raised right." He then told her **"tonight he is going to be raped by three black guys "** in jail.

We are extremely concerned about this incident. The allegations point to several occurrences of misconduct on behalf of the unidentified agent. Namely, the testimony appears to indicate that the 16-year-old minor (and USC) was wrongfully detained as leverage against Mr. (b)(6) who was lawfully asserting his right to not open his door to the agents. Most disturbingly, the unidentified agent used a threat of sexual violence peppered with racial innuendo directed at a 16 year old USC who has not been charged or accused of any wrong doing. We request a prompt response to this matter. This raid, advertised as protecting our community further only served to further victimize the community. In this case the victims included several US Citizens and a minor.

We are willing to assist the US Attorney and any other agency in any serious investigation of this matter as long as you provide protection to witnesses who may suffer reprisals at the hands of CBP or ICE. We request a prompt response. Thank you in advance for your attention to this matter. You may contact (b)(6) from WeCount! at (305) (b)(6)

Sincerely,

The Florida Immigrant Coalition, WeCount!, Rural Neighborhoods, American Friends Service Committee, Coalition of Florida Farmworker Organizations.

cc:

(b)(6),(b)(7)(C) Field Office Director, Immigration and Customs Enforcement (ICE)
 (b)(6),(b)(7)(C) Chief Patrol Officer, Customs and Border Protection
 Alan Bersin, Commissioner, Customs and Border Protection

(b)(6),(b)(7)(C)

Special Agent-in-Charge, Immigration and Customs Enforcement (ICE)
John Morton, Assistant Secretary of Homeland Security
Margo Schlanger, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security
Congressman Mario Diaz-Balart, 25th District of Florida
U.S. Senator George Lemieux
U.S. Senator Bill Nelson
Chief Al Rolle, Homestead Police Department
Mayor Steven Bateman, City of Homestead
Commissioners Katy Sorenson and Dennis Moss, Miami-Dade County
American Civil Liberties Union
PRLDF-Latino Justice
Center for Constitutional Rights
Mexican American Legal Defense Fund
NAACP

From: (b)(6)
Sent: Monday, June 13, 2011 3:07 PM
To: Blumberg, Jeffrey
Cc: (b)(6)
Subject: Re: Close Letter for 10-08-ICE-0116
Attachments: (b)(6) Complaint.txt; Close Letter.doc
Importance: High

Jeffrey, I have a hard copy of the ROI for you.. The scanners in the office were broken at the time I tried sending this to you.. Please let me know when you are ready to review and I will bring the hard copy to your office.

(b)(6)
Compliance Investigator
U.S. Department of Homeland Security Headquarters
Washington, DC
(202) (b)(6) Office phone
(202) (b)(6) BB phone (when on travel only)



Homeland
Security

OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT ASSISTANCE FORM

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	Immigration and Customs Enforcement Office of Professional Responsibility Customs and Border Protection Joint Intake Center
Requested From:	(b)(6) Compliance Investigator DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL) Phone: 202 (b)(6) (b)(6)@dhs.gov
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	10-08-DHS-0116
SYNOPSIS	
On May 11, 2010, CRCL received a complaint from Families for Freedom, alleging CBP and ICE officials violated the civil rights and liberties of Mr. (b)(6) his wife (b)(6) (a LPR), and their 16-year-old son (b)(6) (a USC) during a raid at their residence by ICE and CBP on Wednesday, April 28, 2010, at approximately 12:00 p.m. in Homestead, Florida. The complaint also alleged ICE and CBP officials mistreated (b)(6) bystanders at the (b)(6) residence. The complaint specifically named ICE Officer (b)(6), (b)(7)(C) and referenced an unidentified CBP official as the perpetrators. The complaint alleges ICE and/or CBP officials: 1. Used derogatory language to describe the elder Mr. (b)(6) when speaking with Ms. (b)(6) 2. Physically and verbally abused (b)(6) and handcuffed him without justification, in an apparent attempt to coerce (b)(6) to exit the house; 3. Made a vulgar reference to a hypothetical prison sexual assault against (b)(6) 4. Mistreated (b)(6) USCs, by asking them about their countries of origin, immigration status, and by demanding proof of their citizenship while they were outside the (b)(6) home on 4/28/2010, immediately following the CBPO's alleged excessive use of force against (b)(6) and 5. Compelled Ms. (b)(6) at the time, to walk one quarter of a mile to her office in order to retrieve proof of citizenship. (b)(5)	

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ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in ICE AIR/ROI:	• (b)(5),(b)(6) • • •
Information/Documents to be included in the exhibits:	• (b)(5) • • • • • • •

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AUG 12 2010



**Homeland
Security**

(b)(6)

Homestead, Florida 33034

Re: Complaint No. 10-08-DHS-0116

Dear Mr. and Mrs. (b)(6)

On May 11, 2010, the Office for Civil Rights and Civil Liberties received information from Families for Freedom concerning your family's treatment by Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) during a raid at your residence on April 27, 2010.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties has the responsibility to review and assess complaints against Department of Homeland Security employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

This Office takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by ICE and CBP, components of the Department of Homeland Security, which will report their findings to this Office. ICE and CBP will conduct an investigation of one or more of the concerns that you have raised:

- Whether ICE or CBP officials wrongfully detained your 16-year-old son.
- Whether an ICE or CBP official threatened your son with sexual assault.
- Whether ICE or CBP officials made inappropriate comments about your family.
- Whether ICE and CBP mistreated and inappropriately questioned bystanders at your residence.

We will review ICE and CBP's findings to assess compliance with civil rights requirements. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of the Department of Homeland Security.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, this Office is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult with an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to this Office. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately. ICE, CBP or this Office will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact this Office by phone at 1-866-644-8360, 1-866-644-8361 (TTY), or by email at crcl@dhs.gov. When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

(b)(6)



Director for Review and Compliance
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

AUG 12 2010



**Homeland
Security**

MEMORANDUM FOR:

(b)(6),(b)(7)(C)

Acting Deputy Director
Office of Professional Responsibility
Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
Immigration and Customs Enforcement

(b)(6),(b)(7)(C)

Joint Intake Center
Customs and Border Protection

Alfonso Robles
Chief Counsel
Customs and Border Protection

FROM:

(b)(6)

Director for Review and Compliance
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

Complaint No. 10-08-DHS-0116

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to ICE and CBP for investigation. We request that the appropriate office within your components complete an inquiry into the enclosed complaint within 180 days of the date of this referral.

(b)(5)

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CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with ICE and CBP personnel and documents generated during this review will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 42 U.S.C. § 2000ee-1(f)(2), however, we submit quarterly reports to Congress—which are also posted on CRCL’s website—that provide, inter alia, “the type of advice provided and the response given to such advice;” and “a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202 (b)(6) 1-866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

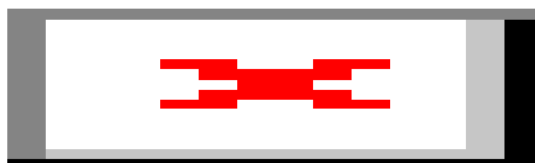
Copies to:

Franklin Jones
Executive Director
Office of Diversity and Civil Rights
Customs and Border Protection
(b)(6),(b)(7)(C) [@dhs.gov](mailto:_____@dhs.gov)

ice.opstasking@dhs.gov
joint.intake@dhs.gov

Enclosure

From: (b)(6)@dhs.gov]
Sent: Tuesday, June 15, 2010 2:18 PM
To: (b)(6)
Subject: RE: Complaint No. 10-08-ICE-0116



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [mailto:(b)(6)@associates.dhs.gov]
Sent: Friday, June 11, 2010 2:52 PM
To: (b)(6)
Cc:
Subject: Complaint No. 10-08-ICE-0116

Please Review.

On May 11, 2010, CRCL received email from Mr. (b)(6) of the organization Families for Freedom, providing a courtesy copy of a May 10, 2010 letter to U.S.

Attorney (USA) Wilfredo Ferrer, Southern District of Florida, with the following non-governmental organizations listed as signatories: The Florida Immigrant Coalition, WeCount!, Rural Neighborhoods, American Friends Service Committee (AFSC), and Coalition of Florida Farmworkers Organizations. (The letter does not include the names or signatures of any representatives from those organizations. Families for Freedom is not listed on the letter itself, and Mr. (b)(6) includes no message from his organization to CRCL to accompany the copy of the above letter.) CRCL, as well as representatives of ICE and CBP, and other agencies, offices, and organizations, are copied on the letter. The signatories allege that an unidentified male CBP officer (CBPO) violated the civil rights and civil liberties of Mr. (b)(6) (described as a 48-year-old visually impaired man), his wife (b)(6) (a legal permanent resident) and their 16-year-old son (b)(6) (a U.S. citizen) during a raid at their residence by ICE and CBP on Wednesday, April 28, 2010, at approximately 12:00 p.m. in Homestead, Florida. The letter further suggests that ICE also engaged in violations of civil rights and civil liberties by initiating the raid. The correspondence alleges that the CBPO used derogatory language to describe the elder Mr. (b)(6) when speaking with Ms. (b)(6) physically and verbally abused (b)(6) and handcuffed him without justification, in an apparent attempt to coerce (b)(6) to exit the house; and made a vulgar reference to a hypothetical prison sexual assault against (b)(6) (b)(6)

The correspondence further alleges that the CBPO improperly treated (b)(6) and (b)(6) U.S. citizen employees of Rural Neighborhoods, a non-profit organization that manages the residential complex where the (b)(6) family lives, by asking them about their countries of origin, immigration status, and by demanding proof of their citizenship while they were outside the (b)(6) home on 4/28/2010, immediately following the CBPO's alleged excessive use of force against (b)(6) (b)(6) The letter complains that the CBPO compelled Ms. (b)(6) (b)(6) to walk one quarter of a mile to her office in order to retrieve proof of citizenship. (Ms. (b)(6) had told the CBPO beforehand that her documentation was at her office along with her driver's license.)

When unidentified ICE officers first approached the (b)(6) house on April 28, 2010, they reportedly asked to be let inside to apprehend Mr. (b)(6) (b)(6) (b)(6) who were outside the house at the time, allegedly refused to allow the agents to enter the house. Upon learning about the raid, Ms. (b)(6) and Ms. (b)(6) both naturalized U.S. citizens, drove to the house from the Rural Neighborhoods management office, and identified themselves to the ICE officers.

Thereafter, a government vehicle carrying ICE officer (b)(6),(b)(7)(C) (a Deportation Officer based in Miami, according to the DHS Global Address List) and an unidentified male CBP Officer (b)(6),(b)(7)(C) (b)(6) Border Patrol uniform) arrived. The CBPO allegedly shouted to Mrs. (b)(6) "You know the piece of shit in your house is a criminal." After (b)(6) told the officer not to yell at his mother, the CBPO allegedly bumped into him and accused (b)(6) of touching him, then grabbed (b)(6) by the neck, slammed him on Ms.

(b)(6) car, and yelled, "Stop resisting!" (b)(6) had allegedly not resisted. The CBPO then handcuffed him. Additionally, the CBPO allegedly falsely stated to a supervisor of the residential complex that (b)(6) had a knife, when he did not.

After (b)(6) was handcuffed, (b)(6) reportedly opened the door to the house, and was arrested (presumably by ICE and/or CBP). During the arrest, the CBPO allegedly told Ms. (b)(6) "Tonight (b)(6) is going to be raped by three black guys", in jail.

The letter writers request that USA Ferrer review this matter. They claim that CBP and ICE wrongfully detained (b)(6) whom they state has not been charged or accused of wrongdoing, to use as "leverage" against (b)(6) whom they claim was lawfully asserting his right to deny federal agents entry into his home. They state that the U.S. Attorney's Office could contact (b)(6) of the organization WeCount! regarding the matter.

[Note: The letter does not specify when, how and from whom the writers obtained the above account of the alleged incident. It does not include (b)(6) alien number or specify his citizenship status, nor does it describe the outcome of events stemming from the "arrests" of (b)(6) on April 28, 2010. Additional comments for internal reference are included in the Notes section of this Complaint form, and can be input in a Note in the tracking system.]

Thank You,

(b)(6)
Review and Compliance Division

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202) (b)(6) V)
(202) (b)(6) F)

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: 10-08-DHS-0116 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2012-05-08 13:04	Update	Summary	On May 11, 2010, CRCL received email from Mr. (b)(6) of the organization Families for Freedom, providing a courtesy copy of a May 10, 2010 letter to U.S. Attorney (USA) Wilfredo Ferrer, Southern District of Florida, with the following non-governme.	6662	(b)(6)	User Change
DhsComplaint	2011-09-09 12:05	Update	External Tracking Number	(b)(6)	6662		User Change
DhsComplaint	2011-09-09 12:05	Update	Days to Process	454.	6662		User Change
DhsComplaint	2010-06-11 16:15	Created	Task		6662		migrated
DhsComplaint	2010-06-11 16:15	Created			6662		migrated
DhsComplaint	2010-06-11 16:15	Edited			6662		migrated
DhsComplaint	2010-06-11 16:15	Edited	Task:Assignment: Assigned matter From: (b)(6) To:DHS Due:2010-11-07, 17:00:23.501		6662		migrated
DhsComplaint	2010-06-11 16:18	Edited			6662		migrated
DhsComplaint	2010-06-11 16:18	Note Added	Sent to IG:		6662		migrated
DhsComplaint	2010-06-16 11:26	Document Added	Document: 5 11 2010 (b)(6)		6662		migrated
DhsComplaint	2010-06-16	Document Added	Document: RE Complaint No. 10-08-ICE-0116 IG		6662		migrated

	11:27				(b)(6)	
DhsComplaint	2010-06-16 12:08	Edited			6662	migrated
DhsComplaint	2010-06-16 12:08	Note Added	From IG:		6662	migrated
DhsComplaint	2010-06-16 13:21	Document Added	Document: Acknowledgement Letter - (b)(6)		6662	migrated
DhsComplaint	2010-06-16 13:22	Edited			6662	migrated
DhsComplaint	2010-06-16 13:22	Note Added	To awaiting Recommendation:		6662	migrated
DhsComplaint	2010-06-25 11:00	Edited			6662	migrated
DhsComplaint	2010-07-01 14:54	Edited			6662	migrated
DhsComplaint	2010-07-01 14:54	Note Added	Recommendation Submitted: (b)(5),(b)(6)		6662	migrated
DhsComplaint	2010-07-12 14:32	Note Added	Approved (to Back From Officer):Ok		6662	migrated
DhsComplaint	2010-07-12 14:32	Edited			6662	migrated
DhsComplaint	2010-07-12 14:32	Edited	Task:Assignment: Assigned matter From (b)(6) To (b)(6) Due:2010-11-07 17:00:23.0		6662	migrated
DhsComplaint	2010-07-29 16:10	Note Added	approved referral docs with changes		6662	migrated
DhsComplaint	2010-08-12 21:23	Document Added	Document: Referral Memo- (b)(6)		6662	migrated

DhsComplaint	2010-08-12 21:23	Note Added	Referred:		6662	(b)(6)	migrated
DhsComplaint	2010-08-12 21:23	Edited			6662		migrated
DhsComplaint	2010-08-12 21:23	Document Added	Document: Referral Letter- (b)(6)		6662		migrated
DhsComplaint	2010-08-12 21:34	Document Added	Document: Referral form- (b)(6)		6662		migrated
DhsComplaint	2010-08-12 21:47	Document Added	Document: Incoming Complaint- (b)(6)		6662		migrated
DhsComplaint	2010-09-29 13:54	Create	From Matters	migration	6662		migration
DhsComplaintAction	2011-08-09 10:38	Create	Action	Closed - Referred/No Further Action	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Internal Summary	On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with Immigration and Customs Enforcement (ICE) and agents.	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Reporting Summary	On May 11, 2010, the Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you raising concerns about the treatment of Mr. (b)(6) his son and two women, by officers with Immigration and Customs Enforcement (ICE) and agents.	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Document	CRCL Close Letter Complaint No 10-08-DHS-0116.pdf	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Action Date	08/08/2011	105743		User Change
DhsComplaintAction	2011-08-09 10:38	Create	Comments	Jeffrey approved for closure on 8/8/11. Updated hard file for closure on 8/9/11. Scanners in office down on 8/9/11; unable to upload remainder of hard file data.	105743		User Change
DhsComplaintAction	2011-08-09	Create	Action	Notes	105742		User

	10:35					(b)(6)	Change
DhsComplaintAction	2011-08-09 10:35	Create	Action Date	08/09/2011	105742		User Change
DhsComplaintAction	2011-08-09 10:35	Create	Comments	Scanners down in office on 8/9/11. Unable to upload emails related to this case at this time.	105742		User Change
DhsComplaintDocument	2011-08-09 10:33	Create	Document 1	2010 06 30 Declaration of (b)(6) pdf	84734		User Change
DhsComplaintDocument	2011-08-09 10:33	Create	Foreign Language	No	84734		User Change
DhsComplaintDocument	2011-08-09 10:33	Create	Document 2	2010 06 30 (b)(6) Keys.pdf	84734		User Change
DhsComplaintDocument	2011-08-09 10:33	Create	Document Type	Investigative Material	84734		User Change
DhsComplaintDocument	2011-08-09 10:33	Create	Document 3	Notice of close letter to Jeffrey.htm	84734		User Change
DhsComplaintDocument	2011-08-09 10:33	Create	Dateentered	08/09/2011	84734		User Change
DhsComplaintDocument	2011-08-09 10:31	Create	Document 1	CBP IA Exhibits on (b)(6) pdf	84733		User Change
DhsComplaintDocument	2011-08-09 10:31	Create	Foreign Language	No	84733		User Change
DhsComplaintDocument	2011-08-09 10:31	Create	Document 4	2010 06 30 Declaration of (b)(6) pdf	84733		User Change
DhsComplaintDocument	2011-08-09 10:31	Create	Document 2	CBP IA ROI on (b)(6) pdf	84733		User Change
DhsComplaintDocument	2011-08-09 10:31	Create	Document Type	Investigative Material	84733		User Change
DhsComplaintDocument	2011-08-09 10:31	Create	Document 3	2010 06 30 Declaration of (b)(6) pdf	84733		User Change
	2011-						

DhsComplaintDocument	08-09 10:31	Create	Dateentered	08/09/2011.	84733	(b)(6)	User Change
DhsComplaintDocument	2011- 08-09 10:31	Create	Document 5	2010 06 30 Declaration of (b)(6).pdf	84733		User Change
DhsComplaintDocument	2011- 08-08 10:33	Create	Document 1.	CRCI Close Letter Complaint No. 10-08-DHS-0116.pdf	84715		User Change
DhsComplaintDocument	2011- 08-08 10:33	Create	Foreign Language	No	84715		User Change
DhsComplaintDocument	2011- 08-08 10:33	Create	Document Type	Closed Letter	84715		User Change
DhsComplaintDocument	2011- 08-08 10:33	Create	Dateentered	08/08/2011.	84715		User Change
DhsComplaintIssue	2011- 08-12 13:39	Update	Color		12229		User Change
DhsComplaintIssue	2011- 08-12 13:39	Update	Disability		12229		User Change
DhsComplaintIssue	2011- 08-12 13:39	Update	Other Issue		12229		User Change
DhsComplaintIssue	2011- 08-12 13:39	Update	Race		12229		User Change
DhsComplaintIssue	2011- 08-12 13:39	Update	Comments	07/01/2010: Recommendation Submitted (b)(5),(b)(6) 07/09/2010: Approved (to Back From Officer):Ok RECOMMENDATION; (b)(5),(b)(6)	12229		User Change
DhsComplaintIssue	2011- 08-12 13:39	Update	Religion		12229		User Change
DhsComplaintIssue	2011- 08-12 13:39	Update	Situation	DHS law enforcement activity	12229		User Change

DhsComplaintIssue	2011-08-12 13:39	Update	Redirect to Subject	No	12229	(b)(6)	User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Incident Location Type		12229		User Change
DhsComplaintIssue	2011-08-12 13:39	Update	Sex		12229		User Change



Homeland
Security

January 18, 2013

David Loy
Legal Director
ACLU of San Diego & Imperial Counties
PO Box 87131
San Diego, CA 92138-7131
Re: Complaint No. 10-09-ICE-0126

(b)(6)

Dear Mr. Loy:

This letter is a follow-up in response to information the Office for Civil Rights and Civil Liberties (CRCL) received from former ACLU staff attorney and legal fellow, Ms. (b)(6) on June 11, 2010, alleging the mistreatment of (b)(6) a female Immigration and Customs Enforcement (ICE) detainee on April 22, 2010, during transport to ICE's San Diego Field Office. The complaint alleged forcible fingerprinting of Ms. (b)(6) at the Field Office, and that she was sexually assaulted by an ICE officer while being placed into an ICE transport vehicle. In a letter to Ms. (b)(6) on July 26, 2010, we informed the ACLU that pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL would review one or more of the issues raised in the ACLU's complaint.

On October 25 and 26, 2010, CRCL conducted an onsite investigation at ICE's San Diego Field Office. Along with an investigation team of ICE Office of Professional Responsibility investigators, we interviewed relevant ICE personnel who were alleged to have been involved in this matter, and reviewed arrest records and other documents produced at the field office in relation to the incident.

We have concluded our investigation of the allegations pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1. While our investigative documents are privileged, we can inform you that we were unable able to confirm the allegations that Ms. (b)(6) was forcibly fingerprinted, that she was sexually assaulted by an ICE officer, or that she was denied use of a restroom for several hours while she was being transported in an ICE transport van. As a result, we are closing the complaint at this time.

We appreciate your bringing this matter to our attention. Thank you for your patience in working with this Office to further the investigation of this matter and in waiting for us to conclude it. If you have any further concerns, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov.

Sincerely,

(b)(6)

Deputy Director Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



Homeland
Security

OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
COMPLAINT WITHOUT RECOMMENDATIONS
CLOSURE MEMORANDUM

To: (b)(6)
From: (b)(6)
Date: January 18, 2013
Complaint Number: 10-09-ICE-0126
Complainant Name (Alien Number): (b)(6)

Reason(s) for Closure without Recommendations (check all that apply):

(b)(5)

Complaint Synopsis and Explanation of Closing Rationale:

On June 11, 2010, CRCL received a complaint from the American Civil Liberties Union on behalf of Ms. (b)(6) alleging that on April 22, 2010, she was mistreated by ICE agents after her arrest. Ms. (b)(6) claimed she was not allowed to use a restroom for five hours while she was handcuffed in an ICE transport van, was forcibly fingerprinted during processing at ICE's San Diego Field Office, and was sexually assaulted by an ICE officer as she was placed in a transport van for her removal from the United States.

(b)(5),(b)(6)

Protected by the Deliberative Process Privilege

(b)(5),(b)(6)

Suggested Closure Method(s) (*check all that apply*):

(b)(5)

Protected by the Deliberative Process Privilege

June 22, 2010



**Homeland
Security**

(b)(6)

Oaxaca, Mexico 68745

Re: Complaint No. 10-09-ICE-0126

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties received a complaint from you on June 11, 2010. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS). Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, we initially refer all such complaints to the Office of Inspector General. If the Inspector General declines to accept the complaint, it is returned to this Office for handling or reassignment within the Department.

The issues you raise are very important to us, and we are working to provide a written response describing how we will handle this matter. The information you provided or may provide will be used in accordance with 5 U.S.C. § 552 (Freedom of Information Act), 5 U.S.C. § 552a (Privacy Act), 6 U.S.C. § 345 (Homeland Security Act), 42 U.S.C. § 2000ee-1 (9/11 Commission Act), 44 U.S.C. § 3101 (Federal Records Act) and other relevant federal laws. While we will seek to prevent unnecessary disclosure of the information provided, we may need to share some of this information with relevant persons. Also, we may be required by law or government policy to release information, in whole or in part, to other government agencies, Congress, and other private individuals. Such disclosures may be mandatory under the Privacy Act, the Freedom of Information Act, the Federal Records Act, and other statutes or regulations. When disclosures are made, personal information will be redacted to the extent permissible. A discussion of your rights under the Freedom of Information Act and the Privacy Act can be found at <http://www.pueblo.gsa.gov/call/foia.htm> or in the attached materials.

Please provide us your updated contact information, including a phone number, e-mail, and mailing address. Thank you for your patience in awaiting our response. You may contact this Office by email at crcl@dhs.gov or by phone at 1-866-644-8360, 1-866-644-8361 (TTY). For additional information about the roles and responsibilities of our Office, see <http://www.dhs.gov/civilliberties>.

If you are filing a complaint on behalf of an individual(s), you must provide this Office with expressed written consent from the individual(s), should you wish to receive information about the complaint. Thank you for contacting the Department of Homeland Security's Office for Civil Rights and Civil Liberties.

Director for Review and Compliance
Office for Civil Rights and Civil Liberties

Cop[y/ies] to:

(b)(6)

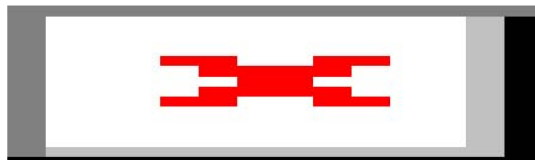
Staff Attorney/Legal Fellow
ACLU of San Diego & Imperial Counties
P.O. Box 87131
San Diego, CA 92138-7131

(b)(6)

San Marcos, CA 92069

Enclosure

From: (b)(6)@dhs.gov]
Sent: Wednesday, June 23, 2010 8:14 AM
To: (b)(6)
Subject: Complaint No. 10-09-ICE-0126-Ms. (b)(6)
Attachments: Complaint No. 10-09-ICE-0126; new CRCL Complaint (b)(6)
(b)(6)



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@associates.dhs.gov]
Sent: Tuesday, June 22, 2010 11:09 AM
To: (b)(6)
Cc:
Subject: Complaint No. 10-09-ICE-0126

PLEASE REVIEW.

On June 11, 2010, CRCL received email correspondence from Ms. (b)(6) Staff Attorney/Legal Fellow, American Civil Liberties Union (ACLU) of San Diego & Imperial Counties, on behalf of Ms. (b)(6) and her husband, (b)(6). Ms. (b)(6) alleged that unidentified ICE officers violated the civil rights and civil liberties of Ms. (b)(6) on April 22, 2010, in their treatment of her as they removed her from her home in San Marcos, California, detained her for several hours, and then removed her to Mexico. Ms. (b)(6) writes, "Ms. (b)(6) whose husband and children are U.S. citizens, was taken from her home; handcuffed and detained in a van for several hours without access to a restroom, which caused her great pain on account of her gastritis; forcibly fingerprinted despite multiple requests to speak to her attorney; sexually assaulted by an ICE officer; then removed to Mexico." The alleged sexual assault occurred when an unidentified male ICE officer allegedly put his hand inside Ms. (b)(6) pants, grabbed her buttock, and boosted her up to help her board an ICE van outside an San Diego Office of Detention and Removal (DRO) facility in San Diego; Ms. (b)(6) was unable to climb into the van on her own while she was handcuffed behind her back.

At approximately 5:50 a.m. on April 22, 2010, at least four ICE agents went to Ms. (b)(6) home in San Marcos. They presented a photograph of a woman to Mr. (b)(6) and asked him if that person lived at the house. Mr. (b)(6) said that the woman did not live there and that he did not recognize her. After ICE officers learned that Mr. (b)(6) wife and two children lived with him, they asked to speak with Ms. (b)(6). Upon reviewing her identification documents, the officers informed Ms. (b)(6) that they had a deportation order against her. Ms. (b)(6) asked to see a warrant, but the officers allegedly said that she did not have a right to see a warrant. They escorted her to a van, handcuffed her, and allegedly kept her handcuffed in the van for five hours while they searched other buildings nearby, checking periodically on Ms. (b)(6). During that time, Ms. (b)(6) twice asked to be allowed to use a bathroom to relieve herself, but ICE officers allegedly denied her requests. The ACLU claims that because Ms. (b)(6) has gastritis, she still experiences stomach pains due to the effects of her confinement in the van that day.

Ms. (b)(6) was then transported to an ICE DRO facility in San Diego, where she was asked to sign papers and complete forms with medical questions. Allegedly, when (b)(6) said that she has gastritis, the officers did not write that on the form and instead told her she should have brought her medications. Ms. (b)(6) refused to sign any paperwork before consulting with a lawyer. The ICE officers allegedly replied that she would be allowed to speak to a lawyer after she signed the paperwork.

Ms. (b)(6) was eventually allowed to phone her attorney, who was out of the office at the time. The ICE officers reportedly did not allow her to call her attorney's office a second time when she requested to do so a short time later, and ICE officers then allegedly forcibly fingerprinted her. According to the ACLU, when the ICE officers tried to move Ms. (b)(6) into a hallway, ICE officers pulled Ms. (b)(6) into the hallway when she initially resisted moving. The letter states that next, "A female officer pinned Ms. (b)(6) hands behind her back and pushed her against a desk, where Ms. (b)(6) was fingerprinted on paper, once again by force."